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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/806,350

03/23/2004

Hiroshi Mizuhashi

OKI.647

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7590

08/04/2006

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EXAMINER

PHAN, TRONG Q

ART UNIT

PAPER NUMBER

2827

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|---|--------------------------------------|---|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | <b>Application No.</b><br>10/806,350 | <b>Applicant(s)</b><br>MIZUHASHI, HIROSHI |  |
|   | <b>Examiner</b><br>TRONG PHAN        | <b>Art Unit</b><br>2827                   |  |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: 1-18.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*Phan Trong Phan*  
**TRONG PHAN**  
**PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding the Finality of Office Action:

as per telephone interview of 7/18/06, the new grounds of objection to the drawings and to the specification with respect to reference characters "VDD" and "Vpp" are reconsidered to be improper because they are actually understandable as shown in Fig. 3 and as described in line 4, page 6, lines 3, 6 and 22, page 7 of the specification, however, the finality of the Office Action is still considered to be proper and sustained in view of Applicant's amendment of 1/9/06 failing to overcome: the objection to the drawings as must show the features as recited in claims 1-18; and the rejection of claims 1-18 as being not readable on the drawings of the present invention under 35 USC 112, first paragraph. It should be noted that the final Office Action has not set forth any new prior art rejection.

Regarding the objection to the drawings under 37 CFR 1.84(p)(4):

as per telephone interview of 7/18/06, the examiner agreed that reference characters "VDD" and "Vpp" are reconsidered to be understandable as shown in Fig. 3 in view of the description in line 4, page 6, lines 3, 6 and 22, page 7 of the specification.

Regarding the objection to the drawings under 37 CFR 1.83(a):

although Fig. 2 of the present invention does show a plurality of sense amplifier blocks 110, however, all Figs. 1-7 of the present invention fail to show the connective relationship of the data line, the first bit line the first sense amplifier and the second sense amplifier in such a manner as recited in claims 1, 3-4, 8-9 and 13;

Fig. 7 of the present invention only shows waveform TGR(L) at higher VPP level at time t1 and then at lower VDD level which is opposite to claims 7 and 17 which recite the second voltage is then higher than the first voltage.

the seven (7) drawing sheets filed on 7/20/06 have been acknowledged as only "BEST AVAILABLE COPY".

Regarding the objection to the specification:

as per the telephone interview of 7/18/06, the examiner agreed that the disclosure of how NOR and NAND gates may be driven by specific voltage levels in Fig. 3 of the present invention is understandable as described in the specification;

however, Applicant still fails to particularly point out all the steps as objected in item (e) of the objection to be readable on the drawings of the present invention as well as to be described in the specification. It should be noted that the specification does not describe anything about the connective operation between the first and second sense amplifiers as claimed.